

**ASSEMBLY BILL**

**No. 1825**

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**Introduced by Assembly Member Reyes**

January 20, 2004

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An act to amend Section 12950 of the Government Code, relating to employment practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1825, as introduced, Reyes. Sexual harassment: training and education.

Existing law makes certain specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. Existing law further requires every employer to act to ensure a workplace free of sexual harassment by implementing certain minimum requirements, including posting sexual harassment information posters at the workplace and obtaining and making available an information sheet on sexual harassment.

This bill would additionally require employers with 3 or more employees to post, as specified, information concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment and would require employers with 50 or more employees to provide 2 hours of training and education to all supervisory employees within one year of January 1, 2005, unless the employer has provided sexual harassment training and education to employees after January 1, 2004.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12950 of the Government Code is  
2 amended to read:

3 12950. In addition to employer responsibilities set forth in  
4 subdivisions (j) and (k) of Section 12940 and in rules adopted by  
5 the department and the commission, every employer shall act to  
6 ensure a workplace free of sexual harassment by implementing the  
7 following minimum requirements:

8 (a) The department shall amend its current poster on  
9 discrimination in employment to include information relating to  
10 the illegality of sexual harassment. This amended poster shall be  
11 distributed to employers when the supply of the current poster is  
12 exhausted. One copy of the amended poster shall be provided by  
13 the department to an employer upon request. The amended poster  
14 shall be available at each office of the department, and shall be  
15 mailed if the request includes a self-addressed envelope with  
16 postage affixed. Multiple copies of the amended poster shall be  
17 obtained through the Office of Documents and Publications of the  
18 Department of General Services. Each employer shall post the  
19 amended poster in a prominent and accessible location in the  
20 workplace.

21 (b) Each employer shall obtain from the department its  
22 information sheet on sexual harassment, which the department  
23 shall make available to employers for reproduction and  
24 distribution to employees. One copy of the information sheet shall  
25 be provided by the department to an employer upon request. The  
26 information sheets shall be available at each office of the  
27 department, and shall be mailed if the request includes a  
28 self-addressed envelope with postage affixed. Multiple copies of  
29 the information sheet shall be obtained through the Office of  
30 Documents and Publications of the Department of General  
31 Services. Each employer shall distribute this information sheet to  
32 its employees, unless the employer provides equivalent  
33 information to its employees that contains, at a minimum,  
34 ~~components~~ *information* on the following:

- 35 (1) The illegality of sexual harassment.
- 36 (2) The definition of sexual harassment under applicable state  
37 and federal law.
- 38 (3) A description of sexual harassment, utilizing examples.



1 (4) The internal complaint process of the employer available to  
2 the employee.

3 (5) The legal remedies and complaint process available  
4 through the department and the commission.

5 (6) Directions on how to contact the department and the  
6 commission.

7 (7) The protection against retaliation provided by Section  
8 7287.8 of Title 2 of the California Code of Regulations for  
9 opposing the practices prohibited by this article or for filing a  
10 complaint with, or otherwise participating in an investigation,  
11 proceeding, or hearing conducted by, the department or the  
12 commission.

13 (c) The information sheet or information required to be  
14 distributed to employees pursuant to subdivision (b) shall be  
15 delivered in a manner that ensures distribution to each employee,  
16 such as including the information sheet or information with an  
17 employee's pay.

18 (d) Notwithstanding subdivisions (j) and (k) of Section 12940,  
19 a claim that the information sheet or information required to be  
20 distributed pursuant to this section did not reach a particular  
21 individual or individuals shall not in and of itself result in the  
22 liability of any employer to any present or former employee or  
23 applicant in any action alleging sexual harassment. Conversely, an  
24 employer's compliance with this section does not insulate the  
25 employer from liability for sexual harassment of any current or  
26 former employee or applicant.

27 (e) (1) (A) *An employer having three or more employees shall*  
28 *post, in a prominent and accessible location, information*  
29 *concerning the illegality of sexual harassment and the remedies*  
30 *available to victims of sexual harassment.*

31 (B) *For purposes of this paragraph only, "employer" means*  
32 *any person regularly employing three or more persons or regularly*  
33 *receiving the services of three or more persons providing services*  
34 *pursuant to a contract, or any person acting as an agent of an*  
35 *employer, directly or indirectly, the state, or any political or civil*  
36 *subdivision of the state, and cities.*

37 (2) (A) *An employer having 50 or more employees shall*  
38 *provide two hours of training and education to all supervisory*  
39 *employees within one year of January 1, 2005, and to all new*  
40 *supervisory employees within six months of their assumption of a*



1 *supervisory position, provided any employer who has provided*  
2 *training and education to an employee after January 1, 2004, may*  
3 *not be required to provide training and education a second time.*  
4 *The training and education shall include information concerning*  
5 *the federal and state statutory provisions concerning sexual*  
6 *harassment and remedies available to victims of sexual*  
7 *harassment.*

8 (B) *For purposes of this paragraph only, “employer” means*  
9 *any person regularly employing 50 or more persons or regularly*  
10 *receiving the services of 50 or more persons providing services*  
11 *pursuant to a contract, or any person acting as an agent of an*  
12 *employer, directly or indirectly, the state, or any political or civil*  
13 *subdivision of the state, and cities.*

14 (3) *The definition of “employer” in subdivision (d) of Section*  
15 *12926 applies to all provisions of this section other than this*  
16 *subdivision.*

17 (f) *If an employer violates the requirements of this section, the*  
18 *commission shall issue an order requiring the employer to comply*  
19 *with these requirements.*

